



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL WAYNE BROWN, KELVIN RODERICK LAWRENCE
and MICHAEL A. PAOLINI

Application 09/560,320

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 16, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Upon review of the Examiner's Answer mailed on March 17, 2004 (Paper No. 16), there is no indication that an appeal conference has been conducted. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., August 2001), when an appeal conference has been held, the appeal conference

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identify themselves as the conferees, along with placing their initials next to their name.

Further, three references listed as "Art Relied Upon" in the Examiner's Answer listed below are not in the file:

White, Ron, How Computers Work, Millennium Ed. Que Corporation, 9/1999.

Derfler, Frank J. et al. How Networks Work, Millennium Ed., Que Corporation, 1/2000.


Gralla, Preston, How the Internet Works, Millennium Ed., Que Corporation, 8/1999.

Accordingly, it is

ORDERED that the application is returned to the examiner for taking corrective action regarding the appeal conference, to obtain copies of the three references listed above, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


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gjh
RA04-0704

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